

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re NATIONAL PRESCRIPTION OPIATE LITIGATION)	No. 1:17-md-2804
)	
)	Judge Dan A. Polster
)	
This Document Relates To:)	
)	
Track One Cases.)	
)	

NOTICE OF SERVICE REGARDING PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO EXCLUDE SETH WHITELOW'S
OPINIONS AND PROPOSED FINDINGS

PLEASE TAKE NOTICE that, pursuant to the “Directions Regarding Filing of Briefs under Seal” issued by Special Master Cohen on June 24, 2019, the Plaintiffs in the Track One Cases served the Defendants, the Court, and the Special Masters by email on July 31, 2019, the following documents:

Plaintiffs’ Memorandum in Opposition to Defendants’ Motion to Exclude Seth Whitelaw’s Opinions and Proposed Findings (“Plaintiffs’ Opposition”); and

Exhibits 1-21 to Plaintiffs’ Opposition:

- Exhibit 1: Relevant excerpts from the transcripts of the videotaped deposition of Dr. Seth B. Whitelaw, taken May 16 and 17, 2019;
- Exhibit 2: HSI-MDL-00423205-223;
- Exhibit 3: MCKMDL00336304-346;
- Exhibit 4: ABDCMDL00273319 (printout of native);
- Exhibit 5: MNK-T1_0005141469-634
- Exhibit 6: WAGMDL00444987-993
- Exhibit 7: Presentation: *The Business Case for Ethics and Compliance – Convincing the CFO in Difficult Economic Times*, Association of Corporate Counsel, Corporate Law Leadership Forum, by Michael Kennedy, SVP Corporate Ethics and Compliance, Cardinal Health (April 22, 2009), *available at* <https://slideplayer.com/slide/8209883/> (last visited July 23, 2019);
- Exhibit 8: CVS Health, Code of Conduct (Mar. 2019);
- Exhibit 9: MCKMDL00721376-90;
- Exhibit 10: Society of Corporate Compliance and Ethics, *About SCCE*, <https://www.corporatecompliance.org/about-scce> (last visited July 23, 2019);
- Exhibit 11: Relevant excerpts from Debbie Troklus, Greg Warner, and Emma Wollschlager Schwartz, *Compliance 101 – How to build and maintain an effective compliance program* (SCCE 2008);
- Exhibit 12: Health Care Compliance Association, *About Us*, <https://www.hcca-info.org/about-hcca/about-hcca> (last visited July 23, 2019);
- Exhibit 13: Relevant excerpts from *The Health Care Compliance Professional’s Manual* (2016 Edition);

- Exhibit 14: Compliance Addendum between McKesson Corporation and the Drug Enforcement Administration;
- Exhibit 15: Rochester Drug Co-operative – Deferred Prosecution Agreement with Exhibits A-G thereto, filed April 23, 2019, in Case No. 1:19-cr-00290-NRB (S.D.N.Y.);
- Exhibit 16: CAH_MDL2804_03415292-313;
- Exhibit 17: CAH_MDL2804_00227735-742;
- Exhibit 18: Simon Zadek, *The Path to Corporate Responsibility*, 82 Harvard Business Review 125-132 (2004);
- Exhibit 19: Ron Ainsbury and David Grayson, *Business Critical: Understanding a Company's Current and Desired Stages of Corporate Responsibility Maturity*, The Doughty Centre for Corporate Responsibility (May 2014);
- Exhibit 20: OGEC and RSA, *A Compliance Maturity Model for Integrated GRC* (Aug. 2016); and
- Exhibit 21: OCEG, *2015 GRC Maturity Survey* (2015).

A Summary Sheet describing the motion is attached hereto as Attachment 1.

Dated: July 31, 2019

Respectfully submitted,

/s/ Paul J. Hanly, Jr.

Paul J. Hanly, Jr.
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
phanly@simmonsfirm.com

/s/ Joseph F. Rice

Joseph F. Rice
MOTLEY RICE
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

PAUL T. Farrell, Jr., Esq.
GREENE KETCHUM, LLP
419 Eleventh Street
Huntington, WV 25701
(304) 525-9115
(800) 479-0053
(304) 529-3284 (Fax)
paul@greeneketchum.com

Plaintiffs' Co-Lead Counsel

/s/ Peter H. Weinberger
Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

Hunter J. Shkolnik
NAPOLI SHKOLNIK
360 Lexington Ave., 11th Floor
New York, NY 10017
(212) 397-1000
(646) 843-7603 (Fax)
hunter@napolilaw.com

Counsel for Plaintiff Cuyaboga County, Ohio

Linda Singer
MOTLEY RICE LLC
401 9th St. NW, Suite 1001
Washington, DC 20004
(202) 386-9626 x5626
(202) 386-9622 (Fax)
lsinger@motleyrice.com

Counsel for Plaintiff Summit County, Ohio

On the Brief:

Paul J. Geller
Mark J. Dearman

Dorothy P. Antullis
ROBBINS GELLER RUDMAN
& DOWD LLP
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
(561) 750-3000
(561) 750-3364 (Fax)
pgeller@rgrdlaw.com
mdearman@rgrdlaw.com
dantullis@rgrdlaw.com

Aelish M. Baig
Matthew S. Melamed
ROBBINS GELLER RUDMAN
& DOWD LLP
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
(415) 288-4545
(415) 288-4534 (Fax)
aelishb@rgrdlaw.com
mmelamed@rgrdlaw.com

Thomas E. Egler
Carissa J. Dolan
ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058
(619) 231-7423 (Fax)
tome@rgrdlaw.com
cdolan@rgrdlaw.com

Brandon Bogle
LEVIN PAPANTONIO THOMAS MITCHELL
RAFFERTY PROCTOR P.A.
316 South Baylen Street
Pensacola, FL 32502
(850) 435-7042
(850) 436-6042 (Fax)
bbogle@levinlaw.com

Attorneys for Plaintiffs